

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT J. LUMPKIN,

Plaintiff,

v.

SERGEANT ARMSTRONG.

Defendant.

Case No. C09-1014-RAJ

**ORDER GRANTING DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT**

The Court, having reviewed plaintiff's amended complaint; defendant Armstrong's motion for summary judgment; the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge; the Plaintiff's objections to the Report and Recommendation; and the remaining record, does hereby find and Order:

(1) The Court adopts the Report and Recommendation.

(2) Defendant Armstrong's motion for summary judgment (Dkt. No. 40) is

**GRANTED.**

(3) Plaintiff's amended complaint (Dkt. No. 10) and this action are **DISMISSED** with prejudice as to defendant Armstrong.

ORDER GRANTING DEFENDANTS'  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT - 1

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2 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
3 defendant, and to Judge Tsuchida.

4 DATED this 28th day of December, 2010.

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9 The Honorable Richard A. Jones  
10 United States District Judge  
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